

Notice of Allowability

Application No.

10/738,937

Examiner

RAMON O. RAMIREZ

Applicant(s)

WELZEN, JOSEPH A.

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to that pf Feb 27, 2006.
2. ☒ The allowed claim(s) is/are 23-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Examiner Comments

The proposed amendment filed Jan 31, 2006 has been entered. In this amendment claims 18-22 are cancelled. The amendment is confusing since Applicant listed claims 18-30, and then proceed to cancel claims 18-22, introduce new claim 31, and amend claims 23-30 to depend from new claim 31. **In summary claims 1-22 are cancelled, and claims 23-31 are active.**

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in per communication filed February 27, 2006.

The application has been amended as follows:

Claims 31 and 23 now read as:

31. An adjustable stand assembly, said adjustable stand assembly adapted to mount a workpiece, such as a tree, to stand upright in a vertical orientation, comprising [[:]]
a stand assembly, a cover, a bowl and a base; wherein:

a. ~~a stand assembly~~ [[:]] said stand assembly ~~having~~ has a pot, said pot adapted to be being firmly attached to the base of a tree trunk;

- b. ~~a cover~~ [[,]] said cover ~~having~~ has a central opening defined therein, said central opening being adapted to receive said pot; said cover has a sloping upper surface, said sloping upper surface terminating into a down and outward slanted lip, thereby making it easier to install said cover snugly over ~~a~~ and enclosing said bowl;
- c. said pot is circular in cross section and has at least two guide holes defined therein, said guide holes being located towards an upper rim of said pot, said guide holes being positionally opposed to each other, said pot being adapted to attach to the tree by means of a plurality of holding devices, said plurality of holding devices equaling said guide holes defined in said pot, said plurality of holding devices being selected from the group consisting of nails, screws, tapered bolts, pointed or unpointed metal rods;
- d. said plurality of holding devices being guided by said guide holes, into the tree, said guide holes being horizontally aligned[[.]];
- e. said pot further having a plurality of holes defined therein, said plurality of holes being biased towards a bottom of said pot, whereby said plurality of holes allow water to enter said pot and drain said pot of water when the tree is lifted out of said stand assembly;
- f. said bowl ~~having~~ has a downward curving convex bottom surface, said downward curving convex bottom surface having said cover attached thereon, said bowl additionally having a means of retaining said pot, said bowl further having a downward outer sloping rim, said downward outer sloping rim having adapted to have a snug fit with said down and outward slanted lip of said cover; and


g. ~~a base~~[[,]] said base ~~having~~ has a downward curving concave top surface defined therein, said downward curving convex surface of said bowl mating with said downward curving concave top surface of said base, said base having a return lip, said return lip being located at an outer edge of said base facilitating moving said stand assembly with the tree mounted therein, thereby[[;]] ~~and~~
h. ~~said cover is adapted to enclose said bowl.~~

23. The stand assembly of claim 31, wherein;
said cover ~~having a central opening defined therein,~~ said central opening being circular in shape, said cover further having a downward circular sloping surface to accommodate said pot, said pot having sloping sidewalls, said sloping sidewalls having a decreasing circular cross section towards said base of said pot;
said circular sloping surface of said central opening of said cover guides said pot when said pot is placed into said stand assembly;
said lower flange of said central opening of said cover is adapted to hold said pot firmly and accepts side loads from said pot shaped member when the tree is tipped.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (571) 272-6821.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RAMON O. RAMIREZ
Primary Examiner
Art Unit 3632

ROR
May 15, 2006